



## ATTACHMENT A

### Remarks

In response to the Office Action having a mailing date of Nov. 20, 2006, the indicated allowance of claims 14, 16, 17, 19, and 31, and the indicated provisional allowance of claims 2, 8 and 10 are noted with appreciation. Additionally, the withdrawal of the indicated allowability of claims 4, 5, 11 and 30 is acknowledged. Claims 1, 5, 8, 11, 30 and 31 have been amended, and claims 1, 2, 4, 5, 8 – 13 and 30 are now also believed to be in condition for allowance. The following remarks address the issues raised in the Office Action in the order in which they were presented.

#### **A. Objection to Specification for Failing to Provide Proper Antecedent Basis**

The specification has been objected to as failing to provide proper antecedent basis for the subject matter of claims 8 and 3[1] (the Office Action indicates that the objection applies to claim 30, but this is believed to be a typographical error as claim 30 does not contain the language that was objected to, while claim 31 does contain that language). Correction of the recitation "locations are determined ... a percentage of an address size ..." has been required. Claims 8 and 31 have been amended to recite "locations are determined ... a percentage of a read size of the storage device." Antecedent basis for this amendment is found in the paragraph beginning on page 5, line 26 of the specification, and it is respectfully submitted that the amendment to claims so as to provide consistency between the specification and claims overcomes the objection to the specification.

#### **B. Rejection of Claims 1, 4, 9 and 11 – 13 under 35 U.S.C. 102(b)**

Claims 1, 4, 9 and 11 – 13 have been rejected under 35 U.S.C. 102(b) as being anticipated by Paterson et al. (U.S. Patent 6,412,042) ("Paterson"). This objection is respectfully traversed, although claim 1 has been amended to more clearly distinguish the claimed invention from the Paterson reference.

Claim 1, as amended, recites a method of writing information to a storage device, including the step of writing information to both of two locations based on a single reading of the information, wherein one of the two locations is within a reserve area of

the storage device, and wherein the reserve area is a protected area that is protected from access by a user.

The Paterson reference teaches a data recording device including recording media having a set of at least two alternate regions for each data segment (abstract). A processor retrieving a data segment selects one of the regions from which to retrieve the data segment. If a read error occurs, the processor then attempts to retrieve the data segment from the second region (col. 18, lines 25 – 65). This teaching was interpreted in the Office Action as being a disclosure of “a reserve area not being accessible to a host command” and has been alleged to anticipate the “user inaccessible reserve area” as defined in the previous version of claim 1.

However, as discussed, claim 1 has been amended to clarify that the reserve area is a protected area that is protected from access by a user. An example of such a protected area is the area of a disk drive containing an extra copy of software or other information for use in restoring the computer system to a state equivalent to when it left the manufacturer (as described in the background section of the subject application). The Paterson reference does not teach or suggest a method of writing information to a storage device, wherein one of two locations to which information is written is within a reserve area of the storage device, wherein the reserve area is a protected area that is protected from access by a user, as recited in amended claim 1. Therefore, it is respectfully submitted that claim 1 is allowable over the Paterson reference.

Claims 4, 9 and 11 – 13 depend from claim 1 and are, therefore, allowable for at least the reasons provided in support of the allowability of claim 1.

### **C. Rejection of Claims 5 and 30 under 35 U.S.C. 103(a)**

Claims 5 and 30 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Paterson in view of Official Notice. This objection is respectfully traversed, although claims 5 and 30 have been amended to more clearly distinguish the claimed invention from the Paterson reference in view of Official Notice.

The Paterson reference teaches a host initiating a write process by issuing a write command for writing a data segment on a disk (Fig. 12, element 140; col. 11, line 60 to col. 12, line 20). It is suggested in the Office Action that this is a teaching of the

feature that “the information to be read is preceded by a data header designating a dual write option because ‘a write command is a header of a data segment.’”

As amended, claim 5 recites the method of claim 1 wherein the information to be read contains a header designating a dual write operation. Thus, the header designating that the information is to be written to a second write location is a part of the information to be read. Therefore, the header is read as a part of reading the information to be written.

The write command of the Paterson reference is issued by the host. In response to the write command, a controller receives a data segment in a data buffer and writes the data segment in two disk sectors (col. 11, lines 53 – 61). It is clear that the write command is distinct from the data segment, and is, therefore, not contained in the information to be read. Thus, the header designating a dual write option can not be read as a part of reading the information to be written. Accordingly, the Paterson reference does not teach or suggest that “the information to be read contains a header designating a dual write operation” as recited in amended claim 5.

Claim 30 has been similarly amended and, therefore, is similarly distinguishable from the Paterson reference.

“Official Notice” is taken that “both the concept and advantages of having a data unit as a file or in a file organization are well known and expected in the art” because Paterson does not explicitly show having a data unit as a file or in a file organization. The Office Action further suggests that it would have been obvious to apply this principle to the system of the Patterson reference because “it would allow a collection of related data stored on a storage device and provide an ease to access data arranged in a convenient order.”

If Official Notice is taken of a fact unsupported by documentary evidence, the technical line of reasoning underlying the decision to take such notice must be clear and unmistakable. MPEP 2144.03(B). In this regard, it is not clear what the meaning or relevance of “having a data unit as a file or in a file organization” or allowing a “collection of related data stored on a storage device” and “providing an ease to access data arranged in a convenient order” are to the invention as recited in claims 5 and 30. However, to the extent that having a data unit as a file or in a file organization is

relevant to the inventions as recited in claims 5 and 30, it is respectfully requested that the Examiner clarify the relevance to invention as recited in claims 5 and 30. Further, the Applicant respectfully requests that following any such clarification an opportunity be given to Applicant to evaluate the Official Notice should be traversed.

#### **D. Claim 11**

Additionally, claim 11 has also been amended for non-substantive reasons to correct a typographical error.

It is respectfully submitted that the application is now in condition for allowance.

**END REMARKS**